

Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, DC 20554

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MAY 10 2000

In the Matter of  
Petitions for Waivers Filed by

) FEDERAL COMMUNICATIONS COMMISSION  
) OFFICE OF THE SECRETARY

) AAD 95-124

) Accent Communications, Inc.; Armour Independent  
) Telephone Company; Bridgewater-Canistota  
) Independent Telephone Company; Dakota Cooperative  
) Telecommunications, Inc.; Dakota  
) Telecommunications Systems, Inc.; Fort Randall  
) Telephone Company; Golden West Telephone  
) Properties, Inc.; G.W.S., Inc.; Hanson  
) Communications, Inc.; Hanson Communications, Inc.  
) d/b/a McCook Telecom; Hanson County Telephone,  
) Inc.; Heartland Communications, Inc.; Interstate  
) Telecommunications Cooperative, Inc.; Intrastate  
) Telephone Company, Inc.; James Valley Cooperative  
) Telephone Company; Kennebec Telephone Company,  
) Inc.; McCook Cooperative Telephone Company;  
) Midstate Telephone Company; Mobridge  
) Telecommunications Company; RC Communications,  
) Inc.; Roberts County Telephone Cooperative  
) Association; Sanborn Telephone Cooperative;  
) Sancom, Inc.; Splitrock Properties, Inc.;  
) Splitrock Telecom Cooperative, Inc.; State Line  
) Telecommunications, Inc.; Stockholm-Strandburg  
) Telephone Co.; Sully Buttes Telephone Cooperative,  
) Inc.; U S WEST Communications, Inc.; Valley Cable  
) & Satellite Communications, Inc.; Valley  
) Telecommunications Cooperative Association, Inc.;  
) Venture Communications, Inc.; West River  
) Cooperative Telephone Company; West River  
) Telecommunications Cooperative; and Western  
) Telephone Company

**CC: 96-45**

To: The Commission

**MOTION FOR LEAVE TO FILE NOTICE OF MATERIAL FACTS**  
**AND NOTICE OF MATERIAL FACTS**

I, Susan J. Bahr, respectfully submit this Notice to inform  
the Commission of facts material to the pending Joint Application  
for Review (Joint Application) in the captioned proceeding.

No. of Copies rec'd 2  
List A B C D E

Four of the parties involved in the Joint Application are:

(a) Valley Telecommunications Cooperative Association, Inc. (Valley Coop) and its subsidiary, Valley Cable & Satellite Communications, Inc. (Valley Cable); and (b) Sully Buttes Telephone Cooperative, Inc. (Sully Buttes) and its subsidiary, Venture Communications, Inc. (Venture). According to NECA Tariff Transmittal No. 852: (a) Valley Coop's and Valley Cable's telephone operations have merged; (b) Sully Buttes' and Venture's telephone operations have merged; and (c) the surviving companies are Valley Coop and Sully Buttes. (A copy of page 1 of NECA's Transmittal Letter is enclosed.) These facts are material to the Joint Application in which regulatory relief is requested for Valley Cable and Venture, which no longer are local exchange carriers. It is my understanding that none of the four companies has made a filing in the captioned proceeding to inform the Commission of this change in circumstances.

When I was an attorney with Blooston, Mordkofsky, Jackson & Dickens (BMJD), I represented the four companies in this proceeding. My name appears on the Joint Application. I am no longer employed by BMJD, and am not currently an attorney for any of the four companies. Under these circumstances, it is not clear whether the Commission's rules require me to notify the Commission of the two mergers. See, e.g., 47 C.F.R. §§ 1.17,

1.24, 1.52. Nevertheless, out of an abundance of caution, I am filing this Notice to ensure that the Commission is aware of the mergers.

By this Notice, I am attempting to make any disclosures that the Commission may deem appropriate in the interest of preserving the integrity of Commission proceedings. If the Commission were to have any questions concerning this Notice, I request the Commission to give me the opportunity to provide additional information.

#### Conclusion

Because the facts presented herein are material to the Commission's decision on the Joint Application, I respectfully request the Commission to grant leave to file this Notice. I also request the Commission to accept this Notice of material facts, in the interest of preserving the integrity of Commission proceedings.

Respectfully submitted,

\_\_\_\_\_  
/s/

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May 1, 2000



80 South Jefferson Road  
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**This material is being filed on 15 days'  
notice under Section 204(a)(3) of the  
Communications Act.**

**W. B. Campbell**  
Director  
Access Tariffs/Access Planning

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January 27, 2000

Transmittal No. 852

Secretary  
Federal Communications Commission  
Washington, D.C. 20554

Attention: Common Carrier Bureau

The accompanying tariff material, issued on behalf of the National Exchange Carrier Association, Inc. (NECA) bearing Tariff F.C.C. No. 5, Access Service, is sent to you for filing, in compliance with the Communications Act of 1934, as amended.

The filing, to become effective February 11, 2000, consists of tariff pages as indicated on the following checksheet:

Tariff F.C.C. No. 5

410th Revised Page 1

This filing revises the list of Issuing Carriers in the Title Pages section and the list of companies in the Rate Tables section to reflect the following merger activity. CTC Communications, Inc. merged with Consolidated Telephone Cooperative, the survivor, which has changed its name to Consolidated Telecom. Valley Cable & Satellite Communications, Inc. merged with Valley Telecomm Coop. Assn., Inc., the surviving company and Venture Communications, Inc. has merged with Sully Buttes Telephone Cooperative, Inc., the surviving company.

This filing also reflects the following company name changes in the Issuing Carriers in the Title Pages section and the list of companies in the Rate Tables section. Hancock Rural Telephone Corporation becomes Hancock Rural Telephone Corporation dba Hancock Telecom; Hopper Telephone Company becomes Hopper Telecommunications Co., Inc.; Pond Branch Telephone Company, Inc. becomes PBT Telecom, Inc. and Sunman Telephone Company, Inc. becomes Sunman Telecommunications Corporation.

Lastly, this filing adds North State Telephone Company and Winnebago Coop. Tel. Assn. to the list of companies participating in the Optional Rate Plan in Section 17.3.10(A) and makes miscellaneous changes to the list of Issuing Carriers in the Title Pages section.

# CERTIFICATE OF SERVICE

I, Susan J. Bahr, of the Law Offices of Susan Bahr, PC, certify that on this 1st day of May 2000, I have caused to be sent via first-class U.S. mail, postage prepaid, a copy of the foregoing to:

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/s/  
Susan J. Bahr